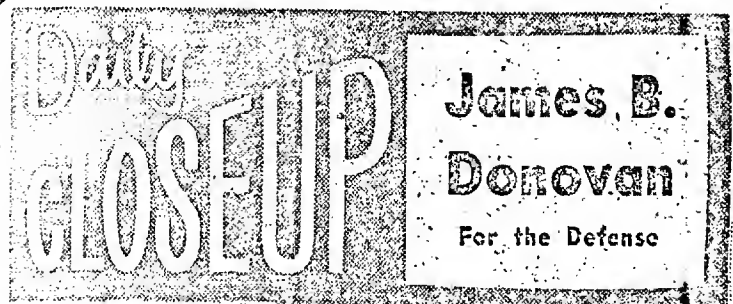


Pers 2, J.B. DONOVAN

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By BENNETT SCHIFF

A short time after James B. Donovan, a leading insurance attorney who had among other things drafted the plan for the Central Intelligence Agency and been counsel to OSC General William (Wild Bill) Donovan during the war, was assigned by a federal court to defend Col. Rudolf Abel, the Russian spy, his children became the target for taunts in school and he had to cut off his phone service.

It was, of course, a sequence of events that Donovan, an experienced and knowledgeable lawyer, might have expected.

In fact, however, Donovan did not give this nearly as much thought and consideration as he did the proposition, a fundamental

one in practice with him as well as in theory, that persons accused of crime in the U. S. have specific rights which must be protected.

A medium-sized, spberly tailored, good-looking, prematurely white-haired man of 43 with a forceful, personality, Donovan does not hide the fact that he was surprised as well as dismayed by the events that followed his assignment to the Abel case.

"I was surprised," he said in his office the other day, "by the wave of hostility I encountered. Friends of mine who are more knowing in political ways told me I was naive.

"But it would seem so obvious that it's an inherent part of our way of life that everyone is entitled to a fair hearing, that I was amazed to find such hostility. It was a surprise and a disappointment.

"Maybe it's a sign that we're losing a lot of personal freedom in the U. S. that so many people have that viewpoint. It's just a question with them of whose ox is being gored."

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Abel was convicted two years ago of conspiracy to commit espionage in the U. S., and sentenced to 30 years. The government said at the time of his trial that Abel was the master spy of the Soviet espionage network in this country. An appeal that Donovan filed for him is being heard today by the Supreme Court.

"As time has gone on," Donovan said, "there has been more general acceptance of the situation. But I'm also sorry to say that this is probably due to the fact that the man was convicted. I wonder what the effect will be if the appeal to the Supreme Court is successful?

"You always hear people talking about legal technicalities. The truth is that in any case the Supreme Court takes, what is a technicality applies to the very fundamental rights of the individual and his family.

"The fact that Abel has been receiving due process of law in the U. S. is more important both here and behind the Iron Curtain than the outcome of the individual case. This is the significance of the whole case. The Abel case is a test of the maturity of our system of seeking to assure justice for everyone."

In personal terms the case has brought Donovan a whole lot of attention and publicity he doesn't relish and there have been inroads on his private life as well.

"At times," he says, "you get rather tired of it. At a recent dinner it was good for 20 minutes of needling for me to ask a waiter to bring Russian dressing for my shrimp."

Donovan, who said at the time of his court assignment (he had been recommended by a committee of the Bar Association at the request of Abel) that he wouldn't accept a fee for his services, received one of \$10,000 after the first trial was over.

He immediately donated the money to three universities: \$5,000 to Fordham and \$2,500 to Harvard Law School, both of which he attended, and \$2,500 to Columbia Law School, the alma mater of Thomas Debevoise and Arnold Fraiman, his assistants in the Abel defense.

"What I don't think the general public understands," he says, "is the time devoted by most members of the legal profession to non-remunerative public service. Traditionally the American bar has done far more than any other segment of the public. That side hasn't been put in the public view and in that sense the legal profession hasn't had the best public relations."

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Donovan, who was born in New York City of a family resident here for many generations, became a lawyer because his father, a prominent surgeon, wouldn't buy him the country newspaper he wanted after he graduated from Fordham, where he had been editor of the school paper.

"My father persuaded me to go to law school," he explains, "on the ground that even though I liked to write and even if I wanted to go into newspaper work, law training would be of value." As it turned out, his newspaper training at school stood him in good stead as a lawyer; his briefs are remarkably lucid and well-written.

A bibliophile who haunts auction rooms, he is a member of the Grolier Club, a fellow of the Morgan Library, secretary of the Art Commission and a member of the governing committee of the Brooklyn Museum.

He lives in a Brooklyn duplex apartment with his wife, Mary, and their children, Jane Anne, 16; John, 14; Mary Ellen, 10; and Clare, 5.